

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DARRELL L. DEEM, *et al.*,

Plaintiffs/Counterclaim Defendants,

v.

TRACEY BARON, *et al.*,

Defendants/Counterclaim Plaintiffs.

Case No. 2:15-CV-755-DS

PRETRIAL ORDER

Judge David Sam

The procedures and practices set forth in this order must be followed at the trial of this matter, except for good cause shown:

1. **Exchange of Witness Lists.** Each party must exchange with all opposing parties a list of witnesses the party will call or may call at trial.

2. **Exchange of Exhibits.** The parties must exchange with all opposing parties copies of each exhibit to be used at trial. The parties should use reasonable effort to avoid duplication of any exhibit pre-marked by the opposing party. Exhibits to be exchanged shall include all evidence to be offered except the following: oral testimony to be offered at trial, sworn deposition testimony, documents to be used solely for impeachment, demonstrative exhibits created in connection with oral testimony at trial, and objects or other physical evidence. Photos of objects and other physical evidence, however, must be exchanged.

3. **Pre-marking Exhibits.** All exhibits to be used at trial must, at the time they are exchanged with opposing parties, be marked for identification numerically. The parties are to designate a range of numbers to be used by each side to avoid the same number being used for more than one exhibit. The plaintiffs shall use the numeric range of 1 to 999; the defendants would begin at the numeric range of 1001. Alphabetic identification is not permitted.

4. Paper Copies of Exhibits for Trial. All exhibits that have been pre-marked must be presented to the court in hard copy. A paper copy of the exhibit list and a paper copy of each exhibit will be submitted to the Courtroom Deputy to manage and track the exhibits offered and received at trial.

5. Presentation of Exhibits at Trial. A hard copy of every exhibit offered in evidence shall be presented to the court and to the witness at the time the exhibit is first used. The court will maintain a copy for later use by the court or by a subsequent witness.

6. Pretrial Objections. The requirement for objections to exhibits under Fed. R. Civ. P. 26(a)(3)(B) is superseded by this order. The parties shall work together in good faith to attempt to stipulate to the admissibility of documents. To the extent they are unable to do so with respect to any exhibit, all objections to the admissibility of an exhibit are reserved until the exhibit is offered at trial.

7. Exchange of Deposition Testimony. Any testimony to be offered at trial by a sworn deposition must be identified by line and page number in the transcript and provided to all opposing parties no later 6:00 p.m. two days in advance of when the deposition will be used. For example, a deposition to be used during trial on Monday, must be provided to opposing parties no later than 6:00 p.m. on Saturday evening. Highlighting the portions of the deposition to be read will constitute adequate identification under this requirement. Any counter designation must be identified no later than 6:00 p.m. on the evening before the testimony is to be offered. Objections must be raised and will be resolved by the court before the deposition is read. Deposition testimony to be presented by video media must be edited to display only the testimony designated.

8. Trial Brief. Trial Brief shall be filed on or before June 6, 2019.

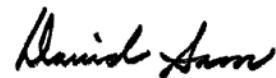
9. Findings of Fact and Conclusions of Law. Proposed Findings of Fact and Conclusions of Law shall be filed within ten days from the close of the trial.

10. Closing Argument. There shall be post-trial briefing. Closing argument will occur after post-trial briefing has been completed.

11. Trial Schedule. Trial will be held each day from 8:30 a.m. until 2:00 p.m., with a 15-minute break at mid-morning and a 30 minute lunch break at noon. The parties should schedule witnesses to be available on this schedule. On the first day of trial, the parties are required to appear at 8:30 a.m.

SO ORDERED this 5th day of June, 2019.

BY THE COURT:



David Sam
United States District Judge